

**MINUTES**  
**January 22, 2004**

Present Terry Henderson  
Commissioners: Bob Buster  
Kevin Jeffries  
Robert E. Hird  
Robin Lowe  
Jack W. McFadden  
John Tavaglione

Present Staff: George J. Spiliotis, Executive Officer  
Wayne Fowler, Local Government Analyst III  
Adriana Romo, Local Government Analyst I  
Crystal Craig, Local Government Analyst I  
Elena Medina, LAFCO Assistant  
Joe Rank, Legal Counsel

1. **CALL TO ORDER AND SALUTE TO THE FLAG.**

The meeting was called to order at 9:05 a.m.

2. **APPROVAL OF MINUTES OF NOVEMBER 20, 2003.**

Minutes were approved as presented.

3. **HEARINGS:**

**Consent:**

a. [LAFCO 2003-19-3-Annexation 68 to County Service Area 103.](#)

Moved (Hird) seconded (Tavaglione) to approve LAFCO 2003-19-3-Annexation 68 to County Service Area 103.  
6/0 (Lowe absent)

b. [LAFCO 2003-23-5-Annexation](#) to Beaumont-Cherry Valley Water District.

Moved (Hird) seconded (Tavaglione) to approve LAFCO 2003-23-5-Annexation to Beaumont-Cherry Valley Water District.  
6/0 (Lowe absent)

Continued:

- c. [LAFCO 1997-06-3-Sphere of Influence Amendment](#) (addition) to the City of Hemet. **(Continued from October 23,2003, a one-month continuance has been granted by the Chair)**

Moved (Hird) seconded (Lowe) to continue LAFCO 1997-06-3-Sphere of Influence Amendment (addition) to the City of Hemet to February 26, 2004.

6/0 (Lowe absent)

- d. [LAFCO 1997-07-3-Reorganization](#) to Include Annexation 97-140 to the City of Hemet and Concurrent Detachment from County Service Area 152 and the Riverside County Waste Resources Management District. **(Continued from October 23, 2003, a one-month continuance has been granted by the Chair)**

Moved (Hird) seconded (Lowe) to continue LAFCO 1997-07-3-Reorganization to Include Annexation 97-140 to the City of Hemet and Concurrent Detachment from County Service Area 152 and the Riverside County Waste Resources Management District to February 26, 2004.

6/0 (Lowe absent)

- e. [LAFCO 2002-39-1-Annexation](#) to Elsinore Valley Municipal Water District.

Mr. Spiliotis presented the proposal.

Chair Henderson opened the Public Hearing. There being no proponents or opponents wishing to speak, the public hearing was closed.

Moved (McFadden) seconded (Buster) to approve LAFCO 2002-39-1-Annexation to Elsinore Valley Municipal Water District.

6/0 (Lowe absent)

- f. [LAFCO 2002-42-5-Minor Sphere of Influence Amendment](#) (addition) to the Yucaipa Valley Water District and Annexation to the Yucaipa Valley Water District. **(Continued from November 20, 2003)**

Mr. Fowler presented the proposal.

Chair Henderson opened the Public Hearing. There being no opponents or proponents wishing to speak, the public hearing was closed.

Moved (Tavaglione) seconded (Hird) to approve LAFCO 2002-42-5-Minor Sphere of Influence Amendment (addition) to the Yucaipa Valley Water District and Annexation to the Yucaipa Valley Water District.

Commissioner Lowe arrived at 9:30 a.m.

- g. [LAFCO 2003-25-5-Annexation to the Beaumont Library District.](#)

Mr. Spiliotis presented the proposal.

Chair Henderson opened the Public Hearing. There being no opponents or proponents wishing to speak, the public hearing was closed.

Moved (Buster) seconded (Hird) to approve LAFCO 2003-25-5-Annexation to the Beaumont Library District as recommended by staff.

7/0

- h. [LAFCO 2003-32-1-Reorganization to Include Annexation 98 to the City of Riverside and Detachment from the Riverside County Waste Resources Management District.](#)

Mr. Spiliotis presented the proposal.

Commissioner Tavaglione expressed concern regarding police and fire response. He asked Mr. Spiliotis what was being done to try to avoid this possible problem.

Mr. Spiliotis stated that he was under the understanding that they will be receiving an application in the near future to annex the rest of the area.

Chair Henderson opened the public hearing. There being no proponents or opponents wishing to speak, the public hearing was closed.

Moved (Hird) seconded (Buster) to approve LAFCO 2003-32-1-Reorganization to Include Annexation 98 to the City of Riverside and Detachment from the Riverside County Waste Resources Management District.

7/0

- i. [LAFCO 2003-45-4-Reconsideration](#) of LAFCO Resolution 51-03 Approving LAFCO 2003-37-4-Reorganization to Include Annexation 37 to the City of Palm Desert and Detachment from the Riverside County Waste Resources Management District.

Mr. Spiliotis presented the report and outlined some of the reasons given on the Application for Reconsideration.

Chair Henderson opened the public hearing and asked if the proponent wished to address the Commission. The proponent was not present.

Richard Unitan, 73450 Country Club Drive, Palm Desert, CA 92260. Mr. Unitan expressed his opposition to the Reconsideration and stated that this reconsideration was just a delaying tactic on the part of the proponent. He asked the Commission to deny the request in its entirety.

Chair Henderson closed the public hearing.

Moved (Tavaglione) seconded (Hird) to deny LAFCO 2003-45-4-Reconsideration of LAFCO Resolution 51-03 Approving LAFCO 2003-37-4-Reorganization to Include Annexation 37 to the City of Palm

Desert and Detachment from the Riverside County Waste Resources Management District.

7/0

**4. RECEIVE AND FILE:**

- a. **INFORMATION ITEMS: Proposals Received (Government Section 56857, 56751)**

The Commission acknowledged receipt of eight proposals.

- b. **MONTHLY EXPENDITURE REVIEW.**

The Commission received and filed the Monthly Expenditure Review Report.

**5. POLICY ON LAFCO PARTICIPATION IN FUNDING OF ANALYSES.**

Mr. Spiliotis presented to the Commission a draft policy regarding LAFCO's participation in funding of analyses as outlined on the staff report.

Chair Henderson asked Mr. Spiliotis for clarification between Item 3 and Item 1.c. of the staff report. Mr. Spiliotis complied with the request.

Commissioner Tavaglione restated the difference between Item 1.c. and Item 3. He said that if the Commission decided that LAFCO's participation of one-third was too high, LAFCO could decide to not participate at all. He said that it did not mean that the analysis was not going to move forward, but that someone else might be able to step forward with that one-third of the funding.

Chair Henderson commented that Item 3 also stated that LAFCO could decide to go less than one-third of the funding.

Commissioner Buster expressed his support for this policy and recommended approval.

Chair Henderson expressed concern with Item 1.d. She asked that the wording be more specific. Mr. Spiliotis suggested changing the wording as follows:

"The analysis must address significant issues that have been discussed previously by the Commission."

The Commission agreed with this change.

Moved (Buster) seconded (Jeffries) to approve the Policy on LAFCO Participation in Funding Analyses.

7/0

**6. SELECTION OF CONSULTANT - MENIFEE INCORPORATION COMPREHENSIVE FISCAL ANALYSIS.**

Mr. Spiliotis stated that this was a time-saving measure. He recommended to the Commission to delegate the final selection of a consultant to a subcommittee or the Chair, and also delegate the execution of an agreement

with the consultant to the Chair. However, he said, that if a recommendation was available within one week of the Commission's meeting, he will bring the Item to the full Commission for action.

Chair Hird stated that he would prefer to designate the Chair to make any decisions rather than appointing another sub-committee.

Move (Hird) seconded (Lowe) to authorize the Chair to execute an agreement with the selected consultant and any other items regarding negotiating a contract.

7/0

**7. MUNICIPAL SERVICE REVIEWS - DIRECTION TO PROCEED.**

Mr. Spiliotis updated the Commission on what had transpired since this matter had come before the Commission. He asked the Commission that the Executive Officer be allowed to proceed with the first two sub-regional MSRs in the Northwest and South Coachella Valley Areas.

He said that the first area included the Cities of Riverside, Corona, and Norco as well as the unincorporated areas of Eastvale, Jurupa, Rubidoux, Woodcrest, and Lake Mathews, El Cerrito and Temescal Canyon, but in light of the separate analysis underway for the Murrieta/Wildomar area which will also include the municipal services review, he was proposing to enlarge the Northwest study area to include the City of Lake Elsinore, Canyon Lake, Meadowbrook, Warm Springs and Cleveland Ridge. He said that this would leave the Southwest sub-region as one contiguous area for the future analysis.

He also said that the second area he was going to do was the southern Coachella Valley that would include the Cities of Indio, La Quinta, and Coachella, as well as the unincorporated areas of Thermal, Vista Santa Rosa, Mecca and the smaller Salton Sea communities. He said that there were no changes proposed to this area.

Commissioner Tavaglione asked Mr. Spiliotis if the reviews did not include the required park districts. Mr. Spiliotis responded that in the general municipal service reviews, the parks were included.

Commissioner Jeffries expressed concern with splitting the southwest area by pulling the City of Lake Elsinore and Lakeland Village away from Wildomar. He asked if this was the plan. Mr. Spiliotis stated that the Wildomar/Murrieta had already been pulled away separately because of the separate study being done. He said that his intent was to try to include contiguous chunks of territory in the municipal services review. Commissioner Jeffries asked about the Sedco Hills and Mr. Spiliotis stated that they were included with Wildomar.

Commissioner Buster asked what was the tentative schedule for the studies to begin. Mr. Spiliotis stated that he would like to get started with the request for proposals for the two areas and take it from there. He thought it would be approximately six months.

Commissioner Lowe expressed concern with the length of time that was going to take to complete the Municipal Service Reviews. She suggested starting on other areas simultaneously.

Commissioner Henderson suggested moving forward with the two sub-regions recommended, obtain the RFPs and go through the process of bringing those two on board. She said that after that procedure was done, perhaps it would be time to begin the process again with two more and hopefully, by that time we will feel more comfortable and familiar with the process and funding.

Commissioner Buster suggested going through the process of conducting reviews in detail.

Commissioner Henderson suggested bringing back this item at one of the LAFCO meetings so the Commission can discuss in detail what the study was going to entail.

Moved (Buster) seconded (Hird) to approve the changes of the sub-regions as proposed by staff; and bring back this matter at one of the LAFCO Meetings for further discussion in detail of the Municipal Service Reviews that will be required in Riverside County. Also, direct the Executive Officer to prepare and issue a request for Proposals for Municipal Service Reviews for the two sub-regions described in the staff report.

7/0

#### **8. AD HOC COMMITTEE ON UNINCORPORATED AREA ISSUES.**

Mr. Spiliotis stated that back in July, 2003, the Commission made major revisions to its policies relative to Communities of Interest and Unincorporated Communities. He said that in September, 2003, an Ad Hoc Committee was created for the purpose of considering a new policy regarding unincorporated issues and representation to LAFCO. He stated that Commissioners Jeffries, Buster and Lowe were appointed to the committee and were directed to return with a recommendation to the Commission in January, 2004.

He said that the Committee met and recommended the policy as shown on the staff report. He said that the policy provided for an enhanced level of notification to the unincorporated areas, specifically in areas that had a Municipal Advisory Council or the equivalent in the desert, Community Councils. He said that LAFCO will refer all proposals for city annexations directly to the MACS or Community Councils for review and comment. He said that if an area did not have a MAC or Community Council, then the proposal will be referred directly to the respective County Supervisor's office for review and comment. He said that staff will be requesting maps of all MACs and Community Councils from the County for the Commission's reference. He was hoping to have those ready by this meeting, but they were not ready-made. He said that staff is currently working with County staff to obtain said maps.

Commissioner Hird asked what provisions did LAFCO have for the MACs where the public could participate in their meetings. Mr. Spiliotis stated that MACs and Community Councils were entities subject to the Brown Act. He also said that they held public meetings where the public could participate.

Chair Henderson opened the public hearing.

Stanley Riddell, 9601 Avenida San Timoteo, Cherry Valley CA 92223. Mr. Riddell expressed his disagreement with the policy as recommended by the Ad Hoc Committee.

Ralph Hileman, 14176 Grande Vista Avenue, Lake Elsinore, CA 92570. Mr. Hileman expressed his disagreement with the policy as recommended by the Ad Hoc Committee.

MaryAnn Ramshorn, 24117 Safiro Court, Wildomar, CA 92595. Ms. Ramshorn expressed her disagreement with the policy as recommended by the Ad Hoc Committee. She asked that the Commission revisit the policy.

William Zeidlik, 33250 Sunset, Menifee, CA 92584. Mr. Zeidlik expressed his disagreement with the policy as recommended by the Ad Hoc Committee and asked the Commission to seriously re-think this matter and not to make a quick decision.

Art Cassel, 18350 Harley John Road, Lake Mathews, CA 92504. Mr. Cassel expressed his strong disagreement with the policy as recommended by the Ad Hoc Committee and urged the Commission to reconsider their decision.

Garry Grant, 27068 Jarvis St., Perris, CA 92570. Mr. Grant expressed his disagreement with the policy as recommended by the Ad Hoc Committee.

Norm Gritton, 27245 Highway 74, Meadowbrook, CA 92570. Mr. Gritton expressed his disagreement with the policy as recommended by the Ad Hoc Committee.

Jay Hinterlong, 33885 Arcadia Lane, Menifee, CA 92584. Mr. Hinterlong expressed his disagreement with the policy as recommended by the Ad Hoc Committee.

Sheryl Ade, 35255 Amatista Avenue, Wildomar, CA 92590. Ms. Ade expressed her disagreement with the policy as recommended by the Ad Hoc Committee.

Thelma Grant, 27068 Jarvis Street, Meadowbrook, CA. Mrs. Grant expressed her strong disagreement with the policy as recommended by the Ad Hoc Committee.

Eugene Jones, 17139 Chico Dr., Lake Mathews, CA 92570. Mr. Jones expressed his strong disagreement with the policy as recommended by the Ad Hoc Committee.

Chair Henderson closed the public hearing.

Commissioner Henderson stated that there was a policy already in place and that the current recommendation was just an addition to that policy.

Commissioner Lowe stated that California's form of law did not have townships, it had Counties. She said that California's form of Government did not have COIs. She said that it was a designation exclusive to Riverside County. She said that LAFCO was not a land use authority. She

stated that LAFCO did not have the authority to determine what happened on anybody's property. She said that if they were asking to change the government of the state, the Commission did not have the authority to do so.

Commissioner Tavaglione expressed his disappointment by the comments made by the speakers.

Commissioner Buster stated that the COI process was created for the sole purpose of preventing piece-meal annexations. He said that voters in the area still had the opportunity to turn down the annexation if that was their desire. He said that the COI process was not very strong because state law still can override the process. He stated that where the change needed to take place was at the state level.

Commissioner Jeffries expressed that the Commission forgot one important goal that was to preserve the integrity of the unincorporated communities. He asked how was that going to be accomplished. He said that he would like the Commission to address those issues.

Commissioner Lowe stated that the community of Winchester was older than the City of Hemet and San Jacinto. She said that this community was not a UC and was not a COI. She said that it was a group of people that believed in their community to preserve the history of that community and were respected by the City of Hemet. She said that this community had her full support to not be annexed unless they chose to do so.

Commissioner Tavaglione stated that a UC or a COI did not give any legal standing to prevent annexation. He said that after a UC or COI had been formed anyone can move forward with an application for annexing that area. He said that what a UC or COI had accomplished was that it had been a mechanism to bring people together and he felt that this mechanism was not necessary any longer.

Moved (Tavaglione) seconded (Lowe) to approve the policy as stated in the staff report and recommended by staff.  
6/1 (Jeffries No)

9. **DETERMINATION OF THE APRIL MEETING DATE.**

Mr. Spiliotis stated that the CALAFCO staff workshop was scheduled this year for April 21, 22, and 23<sup>rd</sup> which fell on the regular LAFCO meeting date. He requested a change in the meeting date to accommodate staff attendance at the workshop. He said that the boardroom was available on the 29<sup>th</sup> of April if this met with everyone's schedule.

The Commission agreed to move the LAFCO meeting from the 22<sup>nd</sup> of April to the 29<sup>th</sup> of April.

10. **MISCELLANEOUS STAFF REPORTS.**

There were no miscellaneous staff reports.

**11. PUBLIC COMMENTS.**

William J. Zeidlik, 33250 Sunset, Menifee, CA 92584. Mr. Zeidlik discussed the possibility of forming an oversight committee.

Gary Grant, 27065 Jarvis St., Meadowbrook, CA. Mr. Grant discussed the AB 2838 study process.

**9. EXECUTIVE SESSION:**

With respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION.

Subdivision (a) of Section 54956.9:

- a. **Regency Outdoor Advertising, Inc. et al. vs. LAFCO et al.**  
(Case No. RIC 393 995)

There was no executive session

**12. ADJOURNED.**

The Commission adjourned at 11:40 A.M.

Respectfully,

George J. Spiliotis  
Executive Officer